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ABSTRACT

This Tenth Annual Report on activities of the Oregon Intellectual Freedom Clearinghouse begins with the goal, objectives, and scope and methodology of the Clearinghouse followed by a summary of the challenges against library materials that were reported and took place between July 1, 1996 and June 30, 1997. Details about each challenge reported by public libraries and school library media centers during the year are presented alphabetically by title. A statistical snapshot of Clearinghouse data since its inception in May 1987 is given, followed by a 5-year overview of challenges to library materials in Oregon, based on data reported since July 1, 1992. Four charts analyze the data in this section. Other issues in intellectual freedom in Oregon in 1996-97 are then highlighted. (AEF)

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Oregon Intellectual Freedom Clearinghouse: Tenth Annual Report. July 1, 1996-June 30, 1997

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Tenth Annual Report of the Oregon Intellectual Freedom Clearinghouse

July 1, 1996- June 30, 1997

Goal of the Oregon Intellectual Freedom Clearinghouse

The goal of the Oregon Intellectual Freedom Clearinghouse is to uphold the principles of the Library Bill of Rights in all types of libraries, by improving communication between librarians, board members, professional associations, and other concerned groups in Oregon about challenges to intellectual freedom, and by increasing awareness as to how threats to intellectual freedom can be overcome.

Objectives of the Oregon Intellectual Freedom Clearinghouse

To establish a central clearinghouse to collect and disseminate reports about challenges to intellectual freedom in all types of Oregon libraries.

To provide information about challenged materials to public library directors and library board members, school media center librarians, and academic librarians when requests for reconsideration of materials are formally registered.

To provide information to public library directors and library board members, school media center librarians, and academic librarians about establishing appropriate policies and procedures before a challenge to intellectual freedom occurs.

To cooperate with other persons and groups concerned with intellectual freedom or related issues.

Scope and Methodology of the Clearinghouse

The data collected is limited to formal challenges to any type of library material in any type of Oregon library. A formal challenge is defined here as a written "Request for Reconsideration" or "Statement of Concern" submitted by a group or individual to a library. The Clearinghouse will report informal (not written) challenges when such challenges are of interest because they have received significant public debate.

The Clearinghouse reports details about challenges as they are recorded on "Reconsideration Report" forms submitted by library or school staff, or occasionally by citizens. Additional information is obtained from newspaper reports, if available. In a few instances, newspaper articles are the sole source of information about a challenge.

The Tenth Annual Report summarizes 18 challenges against library materials that took place between July 1, 1996 and June 30, 1997. The section, "Other Issues in Intellectual Freedom in Oregon in 1996-97," provides a brief synopsis of other issues concerning intellectual freedom that affect Oregon libraries. A five-year overview of Clearinghouse data (see section, "The Charts") analyzes the data in a graphic format. "The Big Picture," provides a statistical snapshot of Clearinghouse data since its inception in May 1987.

It is possible to research challenges in Oregon libraries using either the:

Oregon Intellectual Freedom Clearinghouse Index to Challenges at the Oregon State Library, or the printed Annual Reports produced by the Clearinghouse. The Index to Challenges on the Website or the printed

Index to Challenges included in the 9th Annual Report will locate titles and the number of the Annual Report that includes the challenge. The Annual Reports themselves will yield more complete information, including a summary of objections. The Website index is the source of the most current information in that challenges are added on a monthly basis. Beginning with the 9th Annual Report, 1995-96, the reports are posted on the Oregon State Library Website. To obtain copies of Annual Reports prior to 1995-96, or in the print version, contact Val Vogt, Oregon State Library, at 503-378-2112, extension 222, or val.t.vogt@state.or.us.

Summary of Challenges Reported in 1996-97

The Oregon Intellectual Freedom Clearinghouse received information about 18 challenges to library materials between July 1, 1996 and June 30, 1997. All of the challenged titles were books. Public libraries experienced 13 of the challenges and school libraries experienced 5 challenges. Thirteen of the challenged items were designated as children's and young adult materials, and four were materials for adults. In all of the challenges, library staff, committees, library boards, site councils, superintendents or school boards decided that the challenged materials should be retained. In one instance the decision was made to reclassify the challenged material from the children's department into the young adult department and in one case the decision was made to restrict access to middle school students and above. There were no decisions to replace the challenged material with revised editions of the same title, or to remove challenged materials from any of the libraries.

One challenge to material in 1996-97 was concerned about stories or illustrations which were considered scary for children or to contain excessive violence. Concerns about material with sexual themes or overly graphic language were expressed in 11 requests for reconsideration. Two challenges were based on concerns about witches and the occult. One challenge was received based on an objection to references to homosexuality. The three challenges reported in the "other" category encompassed concerns ranging from the language in a book to inappropriate pictures to setting a bad example.

The challenges listed below are organized according to library type, public or school, and arranged alphabetically by the title of the challenged material. In the past we have noted the library which received the challenge. That information will continue to be noted in the index and is also available from Clearinghouse staff. Under the summary of events, the phrase "Staff review process" refers to adopted procedures by which library staff read or view the materials, collect reviews and other information about the material, and make the decision about the challenged item. This procedure is more common in public libraries. Generally, the library director writes a letter informing the library patron of the decision and explaining the appeals process, in case the citizen is not satisfied with the decision. The phrase "Committee review process" refers to adopted procedures by which a committee, such as an Instructional Materials Review Committee, makes the decision about the challenged item. This procedure is more common in schools. The school board, superintendent, or site council often makes the final decision based on a recommendation from the committee.

Challenges in Public Libraries

Apocalypse Culture edited by Adam Parfrey (Adult Book)

Summary of objections: Concern expressed that subjects covered included necrophilia as well as containing "perversity and sensationalism."

Summary of events: Staff review process. Book retained, 12/2/96. Letter sent. No further appeal filed.

Forever by Judy Blume (Young Adult Book)

Summary by objections: Concern expressed about promotion of explicit sex as normal teen life choice.

Summary of events: Staff review process. Book retained, 9/13/96. Letter sent. No further appeal filed.

The Horse Whisperer by Nicholas Evans (Adult Book)

Summary of objections: Concern expressed about sexual content and foul language available to children.

Summary of events: Staff review process. Book retained in adult collection, 3/28/97. Letter sent. No further appeal filed.

I Am Joseph by Barbara Cohen (Children's Book)

Summary of objections: Concern expressed that "the whole book, words and pictures are too graphic for children."

Summary of events: Staff review process. Book retained, 5/22/97. Letter sent. No further appeal filed.

I Know You, Al by Constance C. Greene (Children's Book)

Summary of objections: Concern expressed about explicit sexual verbal content. Does not consider book to be a healthy reality.

Summary of events: Staff review process. Book reclassified into Young Adult collection, 3/12/97. Letter sent. No further appeal filed.

In the Night Kitchen by Maurice Sendak (Children's Book)

Summary of objections: Concern expressed that nudity of small boy in a picture book for children "would allow children... to believe that pornography... is okay to look at without their parent's consent".

Summary of events: Staff review process. Board review process. Book retained, 11/19/96. Letter sent. No further appeal filed.

Like Sisters on the Home Front by Rita Williams Garcia (Young Adult Book)

Summary of objections: Concern expressed about representation of teenage pregnancy and abortion "without a properly redeeming conclusion."

Summary of events: Staff review process. Book retained, 9/19/96. Letter sent. No further appeal filed.

Miss America by Howard Stern (Adult Book)

Summary of objections: Concern expressed about obscenity and pornographic photos.

Summary of events: Staff review process. Book retained 7/12/96. Letter sent. No further appeal filed.

The Pig Who Could Conjure the Wind by Shirley R. Murphy (Children's Book)

Summary of objections: Concern expressed about emphasis on witches, the occult, sorcery and

incantations.

Summary of events: Staff review process. Book retained, 5/8/97. Letter sent. No further appeal filed.

Ruby by Michael Emberley (Children's Book)

Summary of objections: Concern expressed that book sets a bad example for children with "rude talking and pictures full of garbage".

Summary of events: Staff review process. Book retained, 6/10/97. Letter sent. No further appeal filed.

The Stand by Stephen King (Adult Book)

Summary of objections: Concern expressed about "filthy" language and graphic sexual scene. Recommended restriction from minors.

Summary of events: Staff review process. Book retained in adult collection, 6/3/97. Letter sent. No further appeal filed.

The Trickster by Muriel Gray (Adult Book)

Summary of objections: Concern expressed about content of serial killers and mutilated bodies.

Summary of events: Staff review process. Book retained, 7/22/96. Letter sent. No further appeal filed.

Who's In A Family by Robert Skutch (Children's Book)

Summary of objections: Concern expressed about "subtle way of introducing homosexuality to preschoolers. See no purpose in showing gays as a normal healthy family."

Summary of events: Staff review process. Book retained, 7/24/96. Letter sent. No further appeal filed.

Challenges In School Library Media Centers

The Beast of Monsieur Racine by Tomi Ungerer (Children's Book)

Summary of objections: Concern expressed about illustrations.

Summary of events: Committee review process. Committee recommended retention. School Board voted to retain with no restrictions, 3/11/97.

The Golden Book of the Mysterious by Jane Werner Watson and Sol Chaneles

(Children's Book)

Summary of objections: Concern expressed that sections on the occult and witchcraft did not promote a positive message for students.

Summary of events: Committee review process. School Board voted to restrict use to middle school and above, 3/11/97.

Heads or Tails: Stories from the 6th Grade by Jack Gantos (Children's Book)

Summary of objections: Concern expressed about language.

Summary of events: Staff review process. Book retained, 2/3/97.

In the Night Kitchen by Maurice Sendak (Children's Book)

Summary of objections: Concern expressed about nudity of boy.

Summary of events: Committee review process. Committee recommended retention. School Board voted to retained, 3/11/97.

Our House On the Hill by Philippe Duparquier (Children's Book)

Summary of objections: Concern expressed about picture of a naked little girl.

Summary of events: Staff review process. Book retained, 11/96.

The Big Picture: A Ten Year Overview

Ten years of Oregon Intellectual Freedom Clearinghouse Annual Reports is not an absolute picture of the status of intellectual freedom in Oregon. Publicizing Clearinghouse services to libraries in Oregon still results in data being reported from libraries that have never done so previously and changes in library staff can mean that knowledge about the Clearinghouse may diminish. The shrinking number of trained school library media staff, resulting from funding problems in public education, may have contributed to an under reporting of school library challenges. We invite every library in Oregon to report challenges to intellectual freedom and we have posted information about the Clearinghouse, the information request form, the reconsideration report form and other intellectual freedom resources on the Oregon State Library Website.The following is a statistical snapshot of the challenges reported since the inception of the Clearinghouse in May, 1987. The total number of challenges was 378, of which 253 were in public libraries and 125 in school libraries. 242 of these challenges were to materials designated for children or young adults and 136 were for adult materials. Objections to the content of library materials fell into the following categories: scary or violent content, 59 challenges; graphic sexual content or explicit language, 146 challenges; witches or occult themes, 50 challenges; homosexual content, 60 challenges; and other concerns, 63 challenges. Library materials were retained in 325 of the challenges (86%) reclassified 10 times (2.5%); restricted 18 times (5%); replaced 3 times (1%); and removed 22 times (6%). Assistance with data organization and reviews about materials provided by Val Vogt and Stana Smith at the Oregon State Library.

The Charts: A Five Year Overview

The following is an overview of the last five years of challenges to library materials in Oregon, based on the data reported since July 1, 1992.

Figure 1 illustrates the number of challenges in public libraries and the number of challenges in school libraries. Over five years, the Clearinghouse collected information about 149 challenges to public library materials, and 49 challenges to school library materials. Although there was a large number of challenges in 1992-93, the past four years has generally seen a decrease in reported challenges to library materials.

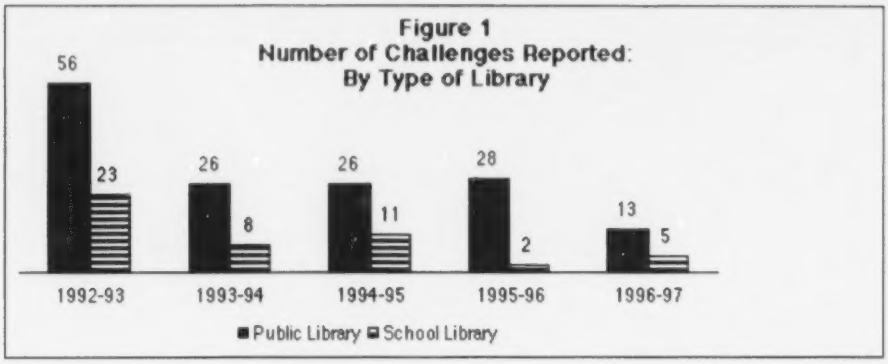


Figure 2 illustrates whether materials challenged each year were for children and young adults or for adults. Traditionally, citizens have challenged materials designated for children and young adults more than materials for adults. Although 1995-96 showed a marked increase in challenges to materials designated for adults the traditional ratio was re-established in 1996-97. Since 1992 there have been 112 challenges concerning materials for children and young adults and 86 concerning materials for adults.

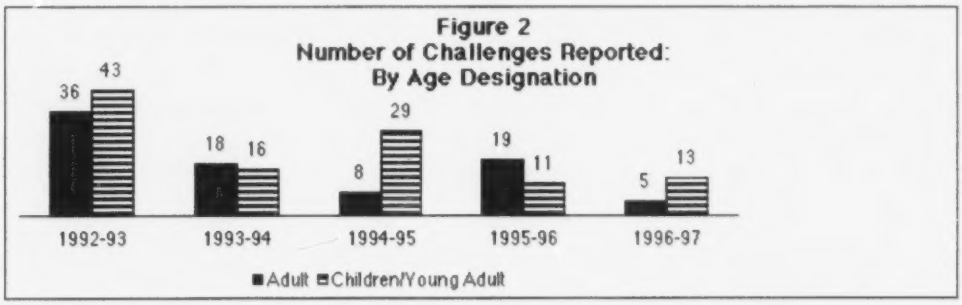


Figure 3 classifies the objections to materials submitted each year into broad categories. Often multiple objections are cited against materials but the chart illustrates only one major objection for each challenge. The chart indicates that while the number of challenges related to graphic sexual content or explicit language has remained at a fairly constant level since the early years of the Clearinghouse, the number of challenges related to content about witches and the occult, as well as challenges related to homosexual content, has varied considerably in recent years.

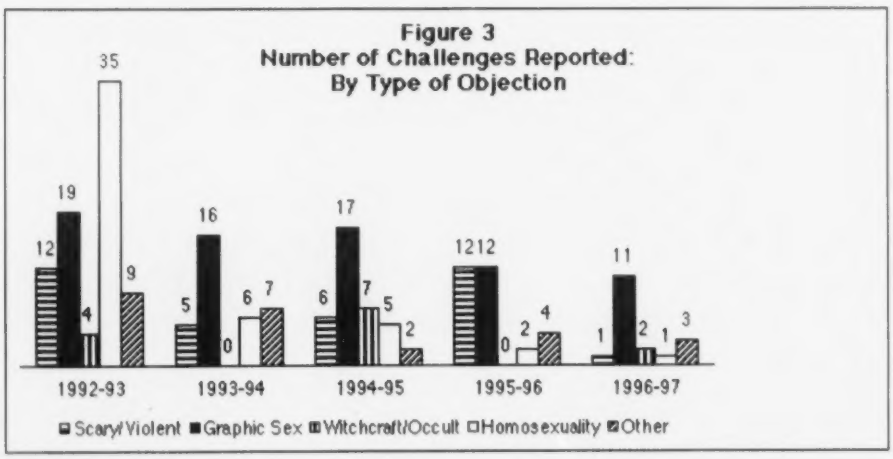
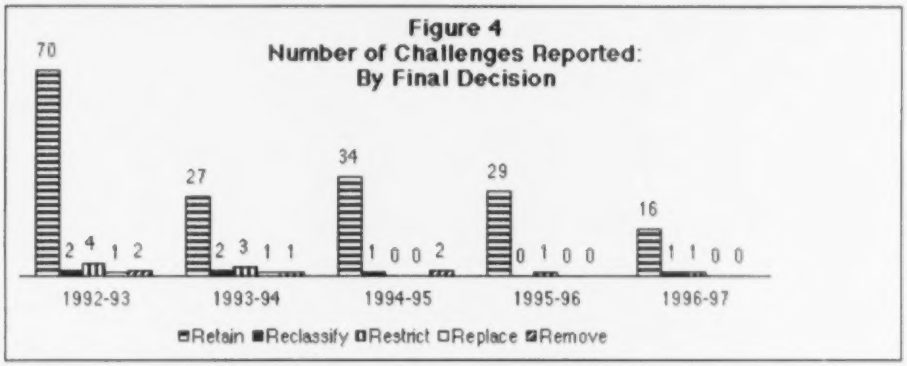


Figure 4 illustrates the final outcome of each challenge: whether the materials were retained without restriction in each library, reclassified to a different age group or subject section in the library, restricted to a certain age group or restricted to access only with parental permission, replaced with a similar item on the same subject or a new edition of the same title, or removed from the library. Over the years most materials have been retained on library shelves with no restriction.



Other Issues in Intellectual Freedom in Oregon in 1996-97

The library community in Oregon, as in other parts of the United States, has been focusing on intellectual freedom issues surrounding the Internet. Many Oregon libraries were developing policies about Internet access in 1996-97 due to several grant opportunities for acquiring Internet workstations. Policy development was complicated by the challenge to the Communications Decency Act (CDA) at the federal level and discussion about the use of filtering software in libraries.

On June 26, 1997 the U.S. Supreme Court struck down the CDA in a 7-2 decision (Stevens delivered the opinion of the Court with 6 Justices joining, O'Connor filed an opinion concurring in part, dissenting in part, Justice Rehnquist joined). The Court held that communications over the Internet deserve the highest level of constitutional protections. The decision affirmed the June, 1996 injunction issued by a three-judge panel in Philadelphia in the consolidated cases American Library Association v. U.S. Department of Justice and Reno v. American Civil Liberties Union.

The Court's ruling affirmed that Internet communications warrant the same level of constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. Writing for the court, Justice John Paul Stevens held that "the CDA places an unacceptable heavy burden on protected speech" and found that all provisions of the CDA are unconstitutional as they apply to "indecent" or "patently offensive" speech. The Court also ruled that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox." The ruling stressed that the CDA would "reduce the adult population to reading only what is fit for children."

Significantly, the Court acknowledged that the CDA would have impacted the ability of libraries and non-profit organizations to provide content to their patrons. The most critical holding for librarians is that libraries that make content available on the Internet can continue to do so with the same constitutional protections that apply to the books on library shelves. Library postings on any topic, as well as the on-line catalogue, are constitutionally protected, even if some of the material may be considered controversial or offensive. The Court's conclusion that the "vast democratic fora of the Internet" merit full constitutional protection will protect libraries providing access to the Internet.

Despite the Court's ruling, the issue is definitely not resolved. CDA supporters in Congress have expressed their intention to draft new legislation aimed at regulating the Internet. The full text of the Supreme Court's decision in Reno v. ACLU is available at http://www.ciec.org/SC_appeal/decision.shtml. The above information is excerpted from an article in the July 1997 Intellectual Freedom Action News.

Articles in journals ranging from Consumer Reports to Time Magazine have discussed the use of filtering software in libraries. Libraries across the country and in Oregon are discussing whether to install filtering software and if so, which software and which machines to install it on. Information and discussion on list servs, websites, professional meetings and informally provide opportunities for a great number of individuals and organizations to participate in the on-going debate. On July 2, 1997 at their Annual Conference in San Francisco, the American Library Association (ALA) Council adopted a Resolution on the Use of Filtering Software in Libraries that concluded with "The American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights." However, this resolution is not the only effort of ALA to forestall widespread filtering. There is much agreement that librarians play a critical role in guiding parents and children to sites that they can recommend. To that end, a number of librarians who work with children have provided websites for inclusion in the ALA publication The Librarian's Guide to Cyberspace for Parents and Kids. The "50+ Great Sites for Kids and Parents" have been selected for their quality content, accessibility, currency, uniqueness and appeal to children. We have reprinted that list on the last page of this report. It is also available at http://www.ala.org/parentspage or by calling the ALA Public Information Office at 1-800-545-2433 ext. 5044/5041.

Because the Internet is a new and rapidly changing medium we don't have a process in place for reporting or identifying formal challenges. Please communicate with us about concerns and challenges that you receive so we can maintain contact with libraries in Oregon and are able to fulfill our role as the Oregon Intellectual Freedom Clearinghouse. Contact MaryKay Dahlgreen, Clearinghouse Coordinator, marykay.dahlgreen@state.or.us or 503-378-2112 ext. 239.

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